

## **REMARKS**

Claims 1-43 are pending in the Application. Claims 1, 5, 12, 14, 16, 18-20, 23, 32, 38-39, and 41-43 have been amended. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

### **Request For Acknowledgment Of Provisional Application**

The Specification has been amended to contain a priority statement. Applicants respectfully submit that their initial application transmittal papers already requested entry of a priority statement by amendment. However, the Action has not acknowledged Applicants' claim for priority. Therefore, please consider the priority statement herein (upon entry) a substitution therefor. This application claims the benefit of U.S. Provisional Application No. 60/181,655 filed February 10, 2000. Acknowledgment thereof is respectfully requested.

### **The 35 U.S.C. § 112, Second Paragraph, Rejections**

Claims 1-43 have been rejected under 35 U.S.C. § 112, second paragraph, as failing to point out and particularly claim what Applicants regard as the invention. The Applicants respectfully traverse the rejections.

The Action is silent as to how the claims fail to point out and particularly claim what Applicants regard as the invention. Applicants respectfully decline to speculate as to how the claims are indefinite. Nor are the claims indefinite. The claimed subject matter can be understood by one having ordinary skill in the art. The claims meet the requirements of 35 U.S.C. § 112, second paragraph. Applicants have made amendments which are in no way limiting with

regard to the original claim scope and which provide clarity beyond the statutory requirement. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejections should be withdrawn.

### **The 35 U.S.C. § 103 Rejections**

Claims 1-43 were rejected under 35 U.S.C. § 103(a) as obvious over Ramachandran (US 6,386,323) in view of Nicoll (US 6,484,936). Applicants respectfully traverse the rejections.

#### **Ramachandran is disqualified as prior art**

The present application claims benefit to Provisional Application 60/181,655 filed February 10, 2000. Ramachandran (U.S. Patent 6,386,323) has an issue date of May 14, 2002. Ramachandran also has a filing date of November 13, 1998 for purposes of 35 U.S.C. § 102(e). However, the present application and the Ramachandran reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same company.

In accordance with MPEP § 706.02(l)(2)(II) Applicants have shown sufficient evidence that, in accordance with 35 U.S.C. § 103(c), Ramachandran cannot preclude patentability of the present invention. Thus, Applicants respectfully submit that Ramachandran is disqualified as prior art in relation to the present invention with regard to 35 U.S.C. § 103(a).

Applicants "may overcome a 35 U.S.C. § 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references" (MPEP § 715.02). Therefore, the rejections involving the Ramachandran reference are not valid. All of the 35 U.S.C. § 103(a) rejections involve the Ramachandran

reference. For these reasons it is respectfully submitted that the 35 U.S.C. § 103 rejections should be withdrawn.

**Conclusion**

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000